

NEBRASKA ADMINISTRATIVE CODE

TITLE 272-NEBRASKA STATE PATROL

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Chapter 10 - TRANSPORTATION OF CLASS 1, DIVISION 1.1 THROUGH DIVISION 1.6
EXPLOSIVES.

001 Transportation: General

001.01 In addition to all other applicable requirements set forth in these Rules and Regulations, the transportation of division 1.1 through division 1.6 explosives over all highways shall be in accordance with the U.S. Department of Transportation 49 CFR Sections 100 through 179 and Sections 390 through 397.

001.02 No person shall smoke, carry matches or any other flame-producing device, or carry firearms or loaded cartridge while in or near a motor vehicle transporting explosives. Nothing in this sub-section shall be so construed as to prevent the presence of a duly authorized and legally constituted armed guard on such vehicles where security considerations dictate their necessity.

001.03 Explosives shall not be carried or transported in or upon a public conveyance or vehicle carrying passengers for hire.

001.04 Explosives may be loaded into and transported in the following: truck, truck with semi-trailer, truck with full trailer, truck-tractor with semi-trailer, truck-tractor with semi-trailer and full trailer. Publicly owned electric distribution, public utilities and privately owned electric distribution public utilities and communications systems which shall have first obtained the express approval of the Nebraska State Patrol in respect to their particular methods of handling explosives in trailer-hauling trucks shall be exempt from the provisions of this paragraph.

001.05 Explosives shall not be transferred from one vehicle to another within the corporate limits of any city or town without informing the local fire and police departments thereof. In the event of breakdown or collision, the local fire and local and state police departments or sheriff shall be promptly notified to help safeguard such emergencies. Explosives shall be transferred from the disabled vehicle to another only when proper and qualified supervision is provided.

001.06 Detonators may be transported with other explosive materials in the same vehicle only in

accordance with U.S. Department of Transportation 49 CFR Sections 100 through 179 and Sections 390 through 397.

002 Transportation; Vehicles; Safety Requirements

002.01 Vehicles used for transporting explosives shall be strong enough to carry the load without difficulty and be in good mechanical condition. The transportation of explosive materials in open-bodied motor vehicles which depend upon a fire-resistant tarpaulin for protection is not permitted. When explosive materials are transported by a vehicle with an open body, they shall be loaded into a portable magazine or closed container and such portable magazine or closed container shall be securely fastened to the truck bed. All vehicles used for the transportation of explosives shall have tight floors, and any exposed spark-producing metal on the inside of the body shall be covered with wood or other non-sparking materials to prevent contact with packages of explosives. Packages of explosives shall not be loaded above the sides of an open-body vehicle.

002.02 Motor vehicles, when used for transporting any quantity of explosive materials shall display placards and other markings required by regulations of U.S. Department of Transportation *CFR 49, Sections 100 through 179 and Sections 390 through 397.

002.03 Each motor vehicle used for transporting explosive materials shall be equipped with fire extinguishers as follows:

002.03 A Trucks of less than 14,000 pounds GVW rating: Minimum of two extinguishers with total rating of at least 4-A:20-B:C. Trucks over 14,000 GVW rating and tractor semi-trailer units: Two or more extinguishers with a total rating of at least 4-A:70-B:C.

002.03B Only extinguishers listed or approved by Underwriters' Laboratories, Inc., Factory Mutual Laboratories, or by some other nationally recognized fire equipment testing laboratory, shall be deemed suitable for use on explosive-carrying vehicles.,

002.03C Extinguishers shall be filled and ready for immediate use and located near the driver's seat. Extinguisher shall be examined every 12 months as to condition by a competent person and after being used.

002.04 Motor vehicles used for transporting explosives shall be given the following inspection

before each trip to determine that they are in the proper condition for safe transportation of explosives:

002.04A Fire extinguishers shall be filled and in working order.

002.04B All electrical wiring shall be completely protected and securely fastened to prevent short circuiting.

002.04C Chassis, motor, pan and underside of body shall be reasonably clean and free of excess oil and grease.

002.04D Fuel tank and feed line shall be secure and have no leaks.

002.04E Brakes, lights, horns, windshield wipers and steering apparatus shall function properly.

002.04F Tires shall be checked for proper inflation and defects.

002.04G The vehicle shall be in proper condition in every other respect and acceptable for hauling explosives.

003 Transportation: Operation of Vehicles in Commerce.

003.01 Vehicles transporting explosives shall only be driven by and be in charge of a driver who meets and has a Commercial Driver's License with proper endorsements and meets the requirements of U.S. Department of Transportation 49 CFR Sections 100 through 179 and Sections 390 through 397.

003.02 Unauthorized persons or passengers shall not ride on a motor vehicle transporting explosives.

003.03 Motor vehicles transporting explosive materials must come to a full stop before crossing any railroad track or main highway, and must not proceed until the driver determines that the way is clear.

003.04 Vehicles delivering explosive materials shall not be driven at speeds in excess of the posted speed limits.

003.05 The fuel tank of a motor vehicle transporting explosives shall not be filled except in an emergency or when necessary to complete a trip, and then only when the motor is stopped and brakes set.

003.06 A motor vehicle which contains a Division 1.1, 1.2, or 1.3 (explosive material must be attended at all times by the driver or other authorized person. Exception: If the vehicle is parked in a "safe haven" in accordance with the provisions of 49 CFR.

003.07 Except under emergency conditions, no vehicle transporting explosives shall be parked before reaching its destination., even though attended, on any public street adjacent to or in proximity to any bridge, tunnel, dwelling, building or place where people work, congregate or assemble.

003.08 No spark-producing metal, spark-producing metal tools, oils, matches, carbides, firearms, electric storage batteries, flammable substances, acids, oxidizing materials, or corrosive compounds shall be carried in the body of any motor truck and/or vehicle transporting explosives unless this material is carried/transported in accordance U.S. Department of Transportation *CFR 49, Sections 100 through 179 and Sections 390 through 397. Nothing in this sub-section shall be so construed as to prevent the presence of a duly authorized and legally constituted armed guard on such vehicles where security considerations dictate their necessity.

003.09 Vehicles transporting explosives shall avoid congested areas and heavy traffic. Where routes through congested areas have been designated by local authorities, such routes shall be followed.

003.10 Delivery of explosives shall be made only to authorized persons and into authorized magazines or approved temporary storage or handling areas.

004 Transportation (in Commerce) : Smokeless Propellants, Small Arms Ammunition Primers.

004.01 Quantities of smokeless propellants in shipping containers approved by the United States Department of Transportation not in excess of 25 pounds may be transported in a passenger vehicle.

004.02 Quantities of smokeless propellants in excess of 25 pounds but not exceeding 100

pounds in a passenger vehicle shall be transported in a portable box having wooden walls of at least one inch nominal thickness.

004.03 Transportation of smokeless propellants in quantities in excess of 100 pounds is prohibited in passenger vehicles.

004.04 Transportation of quantities of smokeless propellants in excess of 50 pounds in other than passenger vehicles shall be in accordance with U.S. Department of Transportation 49 CFR Sections 100 through 179 and Sections 390 through 397.

004.05 Small Arms Ammunition Primers.

004.05A Small arms ammunition primers shall not be transported or stored except in the original shipping container approved by the U.S. Department of Transportation 49 CFR Sections 100 through 179 and Sections 390 through 397.

004.05B Truck or rail transportation of small arms ammunition primers shall be in accordance with the regulations of the U.S. Department of Transportation 49 CFR Sections 170 through 179 and Sections 390 through 397.

004.05C Not more than 25,000 small arms ammunition primers shall be transported in a passenger vehicle when in commerce.

005 Transportation: Blasting Agents.

005.01 When blasting agents are transported in the same vehicle with other explosives, all of the requirements of Chapter 10 and U.S. Department of Transportation 49 CFR Sections 100 through 179 and Sections 390 through 397 shall be complied with.

005.02 Vehicles transporting blasting agents shall only be driven by and be in charge of a driver at least 18 years of age who is capable, careful, reliable and in possession of a valid Commercial (CDL) Driver's license with proper endorsements.

005.03 No matches, firearms, acids or other-corrosive liquids shall be carried in the bed or body of any vehicle containing blasting agents.

005.04 No person shall be permitted to ride upon, drive, load or unload a vehicle containing

blasting agents while smoking or under the influence of intoxicants or narcotics.

005.05 It is prohibited for any person to transport or carry any blasting agents upon any public vehicle carrying passengers for hire.

005.06 Vehicles transporting blasting agents shall be in safe operating condition at all times.

005.07 When offering blasting agents for transportation on public highways the packaging, marking, and labeling of containers of blasting agents shall comply with the requirements of the U.S. Department of Transportation 49 CFR Sections 100 through 179 and Sections 390 through 397.

005.08 Vehicles used for transporting blasting agents on public highways shall be marked and placarded in accordance with U.S. Department of Transportation 49 CFR Sections 100 through 179 and Sections 390 through 397.

CFR = Code of Federal Regulations

Statutory Authority: Neb. Rev. Stat. §§28-1213 to 28-1239 & 75-363.

Legal Citation: Title 272, Ch. 10, Nebraska State Patrol.